



S/N 10/659,581

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	William Wadleigh	Examiner:	Paul D'Agostino
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Title:	ELECTRONIC GAME AND SYSTEM HAVING OVERLAYED VIDEO IMAGES		

APPEAL BRIEF UNDER 37 CFR § 41.37

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The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on December 22, 2009, from the Final Rejection of claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58 of the above-identified application, as set forth in the Office Action mailed on August 20, 2009.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellant respectfully requests consideration and reversal of the Examiner's rejections of the pending claims.

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37
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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS Gaming Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

3. STATUS OF THE CLAIMS

The present application was filed on September 9, 2003 with claims 1-52. In response to a Non-Final Office Action mailed on February 2, 2007, Appellant canceled claims 9, 19, 26, 34, 40 and 49. Claims 53-58 were added in a Request for Continued Examination filed in response to a first Final Office Action mailed September 20, 2007 that rejected claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-52. A second Non-Final Office Action mailed September 8, 2008 rejected claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58. A second Final Office Action (hereinafter "the Final Office Action") with a notification date of August 20, 2009 rejected claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58. Claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated August 20, 2009.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Aspects of the present inventive subject matter include, but are not limited to, systems and methods that provide an electronic wagering game that presents overlayed video images supplemental to symbol elements of a wagering game machine.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

INDEPENDENT CLAIM 1

1. A method comprising:

displaying a supplemental graphical element over at least one symbol element in one or more displayed reels of a casino gaming machine [see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19], the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing [see e.g., FIG. 4, element 402, page 9, lines 24-29; page 13, lines 23-25; page 15, lines 6-8; and page 16, lines 3-4], the displaying including overlaying in a memory storing video data pixel values of the at least one symbol element with pixel values of the supplemental graphical element [see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27], wherein each of the at least one symbol element that is overlaid remains at least partially visible while the supplemental graphical element is displayed [see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3].

INDEPENDENT CLAIM 4

4. A method comprising:

displaying on a video display [see e.g., FIG. 1, element 150; and page 5, lines 12-17] at least a portion of a reel symbol element during a play iteration of a casino game; and [see e.g., FIG. 2, elements 210-246; page 7, lines 7-14]

in conjunction with the display of the reel symbol element, and before the play iteration is completed [see e.g., page 18, lines 6-14], displaying a supplemental graphical element so that it appears as an overlay over the reel symbol element [see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19], the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing [see e.g., FIG. 4, element 402, page 9, lines 24-29; page 13, lines 23-25; page 15, lines 6-8; and page 16, lines 3-4], the displaying including overlaying, in a memory storing video data, pixel values of the reel symbol element with pixel values of the supplemental graphical element [see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27], wherein the reel symbol element appears to be at least partially visible during at least a portion of a time period that the supplemental graphical element is displayed [see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3].

INDEPENDENT CLAIM 7

7. An apparatus comprising:

one or more processors [see e.g., FIG. 1, element 102; and page 3, lines 10-15], which cause multiple game element images to be displayed within multiple game element areas of a video display device [see e.g., FIG. 2, elements 210-246; page 7, lines 7-14], determine based on the multiple game element images, whether a triggering event has occurred, if a triggering event has occurred, identify a set of video images [see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16], and cause the set of video images to be displayed on the video display device in conjunction with the multiple game element images, so that the set of video images appears as an overlay over one or more of the multiple game element images [see e.g., FIG. 4, elements 244, 402;

page 9, lines 15-19]; wherein each of the one or more of the multiple game element images that are overlaid appear to be at least partially visible during at least a portion of a time period that the set of video images is displayed [see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3], and further wherein the set of video images comprises pre-recorded video information including full motion video of a person, place or thing [see e.g., FIG. 4, element 402, page 9, lines 24-29; page 13, lines 23-25; page 15, lines 6-8; and page 16, lines 3-4].

INDEPENDENT CLAIM 17

17. An electronic slot machine comprising:

at least one memory to store video data for multiple symbol images and video images; [see e.g., FIG. 1, elements 104 and 122; page 3, line 28 to page 4, line 11]

one or more processors [see e.g., FIG. 1, element 102; and page 3, lines 10-15], which cause the multiple symbol images to be displayed, by one or more video display devices, within multiple symbol areas associated with multiple reels [see e.g., FIG. 2, elements 210-246; page 7, lines 7-14], determine based on the multiple symbol images, whether a triggering event has occurred, if a triggering event has occurred [see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16], identify a set of video images comprising pre-recorded video information including full motion video of a person, place or thing [see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; page 15, lines 3-8; and page 16, lines 3-4], and cause the set of video images to be displayed in conjunction with the multiple symbol images by overlaying pixel values of one or more of the multiple symbol images with pixel values of the set of video images [see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27], so that the set of video images appears as an overlay over each of the one or more of the one or more multiple symbol images that are overlaid [see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19], wherein a portion of a video image within the set is displayed within a first set of pixels within a symbol area,

such that a symbol image associated with the symbol area of each of the one or more symbol images that are overlaid is at least partially visible [*see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3*]; and

one or more display devices, operatively coupled to the one or more processors, which display the multiple symbol images and the set of video images [*see e.g., FIG. 1, element 150; and page 5, lines 12-17*].

INDEPENDENT CLAIM 24

24. A method for displaying images in an electronic game, the method comprising:

causing multiple game element images to be displayed within multiple game element areas of a video display [*see e.g., FIG. 2, elements 210-246; page 7, lines 7-14*];

determining based on the multiple game element images, whether a triggering event has occurred; [*see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16*]

if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing [*see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; page 15, lines 3-8; and page 16, lines 3-4*]; and

causing the set of video images to be displayed in conjunction with the multiple game element images by overlaying pixel values of one or more of the multiple game element images with pixel values of the set of video images [*see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27*], so that the set of video images appears as an overlay over each of the one or more of the multiple game element images that are overlaid [*see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19*], such that each of the one or more of the game element images that are overlaid is at least partially visible [*see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3*].

INDEPENDENT CLAIM 32

32. A method for displaying images in an electronic slot machine game, the method comprising:

causing multiple symbol images to be displayed on a video display within multiple symbol areas associated with multiple reels; *[see e.g., FIG. 2, elements 210-246; page 7, lines 7-14]*

determining based on the multiple symbol images, whether a triggering event has occurred; *[see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16]*

if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing *[see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; page 15, lines 3-8; and page 16, lines 3-4];* and

causing the set of video images to be displayed in conjunction with the multiple symbol images by overlaying pixel values of the multiple symbol images with pixel values of the set of video images *[see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27]*, so that the set of video images appears as an overlay over each of one or more of the multiple symbol images that are overlaid *[see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19]*, wherein the set of video images are displayed such that a symbol image associated with the symbol area of each of the one or more of the multiple symbol images that are overlaid is at least partially visible *[see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3]*.

INDEPENDENT CLAIM 38

38. A computer-readable medium having program instructions stored thereon to perform a method, which when executed within an apparatus, result in:

causing multiple game element images to be displayed within multiple game element areas on a video display; *[see e.g., FIG. 2, elements 210-246; page 7, lines 7-14]*

determining based on the multiple game element images, whether a triggering event has occurred; *[see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16]*

if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing *[see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; page 15, lines 3-8; and page 16, lines 3-4];* and

causing the set of video images to be displayed in conjunction with the multiple game element images by overlaying pixel values of the multiple game element images with pixel values of the set of video images *[see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27]*, so that the set of video images appears as an overlay over each of one or more of the multiple game element images that are overlaid *[see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19]*, such that each of the one or more of the game element images that are overlaid is at least partially visible *[see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3]*.

INDEPENDENT CLAIM 44

44. A casino game comprising:

at least one memory for storing a supplemental graphic element and data for symbol elements *[see e.g., FIG. 1, elements 104 and 122; page 3, line 28 to page 4, line 11]*, the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing *[see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; and page 16, lines 3-4];*

a video display; and *[see e.g., FIG. 1, element 150; and page 5, lines 12-17]*

a computer-readable medium having program instructions stored thereon to perform a method, which when executed within the casino game [*see e.g., FIG. 1, elements 104 and 122; page 3, line 28 to page 4, line 11*], result in:

the display displaying the supplemental graphical element over at least one symbol element of the symbol elements in one or more displayed reels of the casino game [*see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19*], wherein the method includes overlaying pixel values of the at least one symbol element with pixel values of the supplemental graphical element [*see e.g., FIG. 8, elements 808 and 810; page 12, lines 22-30; and page 16, line 11 – page 17, line 27*] and further wherein each of the at least one symbol element that is overlaid remains at least partially visible while the supplemental graphical element is displayed [*see e.g., FIG. 4, elements 244, 402; FIG. 5, elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3*].

INDEPENDENT CLAIM 47

47. An apparatus comprising:

processing means [*see e.g., FIG. 1, element 102; and page 3, lines 10-15*] for causing multiple game element images to be displayed within multiple game element areas of a video display device [*see e.g., FIG. 2, elements 210-246; page 7, lines 7-14*], determining based on the multiple game element images, whether a triggering event has occurred, if a triggering event has occurred [*see e.g., FIG. 3, elements 312 and 314; page 9, lines 15-23; and page 12, lines 5-16*], identifying a set of video images, the set of video images comprising pre-recorded video information including full motion video of a person, place or thing [*see e.g., FIG. 4, element 402, FIG. 8, element 802; page 9, lines 24-29; page 13, lines 23-25; page 15, lines 3-8; and page 16, lines 3-4*], and causing the set of video images to be displayed on the video display device in conjunction with the multiple game element images, so that the set of video images appears as an overlay over one or more of the multiple game element images [*see e.g., FIG. 4, elements 244, 402; page 9, lines 15-19*], such that each of the one or more of the game element images that are overlaid is at least partially visible [*see e.g., FIG. 4, elements 244, 402; FIG. 5,*

elements 240, 242, 244 and 502; FIG. 9, elements 902 and 920; page 12, lines 22-30, page 13, lines 1-11 and 28-30, and page 17, lines 1-3].

DEPENDENT CLAIM 56

56. The method of claim 24, wherein causing the set of video images to be displayed includes displaying the set of video images within a boundary determined by a component within an image of the set of video images and wherein the boundary changes from a first image of the set of video images to a second image of the set of video images, the boundary changing in accordance with changes in the component. *[see e.g., page 10, lines 15-22; page 13, lines 26-30]*

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to each of the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-28 of U.S. Patent No. 6,517,433 to Loose et al. (hereinafter "Loose '433") and Claims 1-93 of U.S. Patent No. 7,510,475 to Loose et al. (hereinafter "Loose '475").

Claims 1, 3-4, 6-8, 17-18, 24-25, 32-33, 38-39, 44, and 46-48 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-8, 10-13, 17-18, 20-25, 27-33, 35-39, 41-48, and 50-58 stand rejected under 35 U.S.C. 102(e) as anticipated by Loose '433 or, in the alternative, under 35 U.S.C. § 103(a) in view of Loose '433 in view of U.S. Patent Pub. No. 2003/0027489 to Kay (hereinafter "Kay").

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Loose '433 in view of U.S. Patent No. 6,375,570 to Poole (hereinafter "Poole").

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §112

35 U.S.C. §112, paragraph 1 states: “The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.”

An objective standard for determining compliance with the written description requirement is, “does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed.” MPEP 2163.02, *citing In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. The enablement requirement is addressed in MPEP 2164.01, which states:

“Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of Mineral Separation v. Hyde, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? That standard is still the one to be applied. In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).”

B) Discussion of the Rejection of Claims 1, 3-4, 6-8, 17-18, 24-25, 32-33, 38-39, 44, and 46-48 under 35 U.S.C. §112 First Paragraph

Claims 1, 3-4, 6-8, 17-18, 24-25, 32-33, 38-39, 44, and 46-48 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action stated:

The claims recite "including full motion video" however Applicant does not disclose full motion video. Applicant defines displaying an image or a set of images to give "the appearance of full motion video, as opposed to the appearance of a still image" (Specification page 9). Thus, full motion video is new matter.¹

Appellant respectfully submits that the specification fully complies with the written description requirement. Full motion video by definition gives the appearance of full motion video. Thus full motion video is within the scope of the disclosure of "a set of images that give the appearance of full motion video."

Additionally, the specification is replete with examples of "full motion video." For example, at page 13, lines 23-25, the specification states that the images may be a clip from a motion picture or television show. Such clips are full motion video. Further, at page 15, lines 3-8, the specification states again that the sets of images may be a clip from a film or television program, and further states that the sets of images can be pre-recorded video information. Still further, at page 16, lines 1-5 the specification states that the video image data may be in various formats such as MPEG-1, MPEG-2, H.261, H.263 etc. Such formats are examples of formats providing full motion video.

For all of the reasons above, Appellant respectfully submits that the specification provides more than adequate written description of full motion video such that the disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. Appellant respectfully requests reversal of the rejection of claims 1, 3-4, 6-8, 17-18, 24-25, 32-33, 38-39, 44, and 46-48 under 35 U.S.C. §112, first paragraph.

¹ Final Office Action at page 2, section 2

C) The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P. § 2131*. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

D) Discussion of the rejection of claims 1-8, 10-13, 17-18, 20- 25, 27-33, 35-39, 41-48, and 50-58 under 35 U.S.C. § 102(e) as being anticipated by Loose ‘433

Claims 1-8, 10-13, 17-18, 20- 25, 27-33, 35-39, 41-48, and 50-58 were rejected under 35 U.S.C. 102(e) as anticipated by Loose ‘433. Appellant respectfully submits that the Final Office Action did not provide a proper *prima facie* case of anticipation because the Loose ‘433 does not disclose each and every element of the claimed invention.

For example, claim 1 recites the display of a supplemental graphical element, where “the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing.” Claims 4, 7, 17, 24, 32, 38, 44 and 47 recite similar language related to supplemental graphical elements or sets of video images that overlay graphical elements of a wagering game. The Final Office Action asserts that Loose ‘433 discloses “discloses video images in Fig. 9a-9b of an image crossing the video screen such that images “may be static or dynamic, and may include such graphics as payout values, a pay table, ... special effects, thematic scenery, and instructional information” (Col. 2 Lines 30-34) and images may be three dimensional (Col. 2 Line 66).”² Appellant notes that none of the items

² Final Office Action at pages 4-5

cited as being disclosed in Loose '433 are pre-recorded video of a person place or thing. Further, Appellant has reviewed Loose '433 and can find no disclosure of a supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing. As a result, Loose '433 does not disclose each and every element of claims 1, 4, 7, 17, 24, 32, 38, 44 and 47. Therefore Loose '433 does not anticipate these claims. Appellant respectfully requests reversal of the rejection of claims 1, 4, 7, 17, 24, 32, 38, 44 and 47.

Each of claims 2-3, 5-6, 8, 10-13, 18, 20-23, 25, 27-31, 33, 35-37, 39, 41-43, 45-46, 48 and 50-58 depends from one of claims 1, 4, 7, 17, 24, 32, 38, 44 and 47, and therefore includes through inheritance elements directed to displaying a supplemental graphical element or set of video images comprising pre-recorded video information including full motion video of a person, place or thing. Appellant respectfully submits that dependent claims 2-3, 5-6, 8, 10-13, 18, 20-23, 25, 27-31, 33, 35-37, 39, 41-43, 45-46, 48 and 50-58 are not anticipated by Loose '433 for at least the reasons discussed above regarding independent claims 1, 4, 7, 17, 24, 32, 38, 44 and 47. Appellant respectfully requests reversal of the rejection of claims 2-3, 5-6, 8, 10-13, 18, 20-23, 25, 27-31, 33, 35-37, 39, 41-43, 45-46, 48 and 50-58.

Also, claim 56 recites that "the boundary changes from a first image of the set of video images to a second image of the set of video images, the boundary changing in accordance with changes in the component." In other words, the boundary is dynamically changed in accordance with a change in the shape of a component of the video as the video is being displayed as a supplemental graphic element. The Final Office Action states:

Loose teaches of a computer-readable medium and processing which displays supplemental graphical elements to include displaying supplemental graphical elements within a boundary determined by a component of the supplemental graphical elements. (For example, Fig. 6 "explosions" and Fig. 7 "gift boxes" both demonstrate the boundary components of the images wherein where there is not a boundary, the underlying image is revealed).³

The Final Office Action appears to ignore the language in claim 56 that states that the boundary changes in a subsequent image of a set of video in accordance with changes in the components.

³ Final Office Action at page 8

There is no indication in Loose '433 that the star shaped elements representing an explosion in FIG. 6 have boundaries that dynamically change. Further, there is no indication that the gift boxes illustrated in FIG. 7 have boundaries that dynamically change. Additionally, Appellant has reviewed the text in Loose '433 that discusses FIGs. 6 and 7 and can find no disclosure of a boundary that changes from a first image of the set of video images to a second image of the set of video images, the boundary changing in accordance with changes in the component. As a result, Loose '433 fails to disclose each element of claim 56. Therefore Loose '433 does not anticipate claim 56. Appellant respectfully requests reversal of the rejection of claim 56.

E) The Applicable Law under 35 U.S.C. § 103

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

The Federal Circuit has stated:

Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).

In re Fine, 837 F.2d 1071; 5 USPQ2d 1596 (Fed. Cir.1988).

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990). The fact that a reference teaches away from a claimed invention is highly probative that the reference would not have rendered the claimed invention obvious to one of ordinary skill in the art. *Stranco Inc. v. Atlantes Chemical Systems, Inc.*, 15 USPQ2d 1704, 1713 (Tex. 1990). When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007).

Further, conclusions of obviousness must be based on facts, not generality. *In re Warner*, 379 F.2d 1011, 1017 (C.C.P.A. 1967); *In re Freed*, 425 F.2d 785, 787 (C.C.P.A. 1970). In fact, there must be a rational underpinning grounded in evidence to support the legal conclusion of obviousness. The Federal Circuit has stated that, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006), citing *In re Lee*, 61 USPQ2d 1430 (Fed. Cir.2002); 72 FR 57527-28 (Oct. 10, 2007).

Moreover, "mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole." *In re Kahn*, 441 F. 3d 977, 988 (Fed.

Cir. 2006). This was recently echoed by the U.S. Supreme Court in *KSR Int'l v. Teleflex Inc.*, *et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.).

F) The Application of 35 U.S.C. § 103(a) to the Rejected Claims

1) The Rejection of Claims 1-8, 10-13, 17-18, 20- 25, 27-33, 35-39, 41-48, and 50-58 under 35 U.S.C. § 103(a) as being unpatentable over Loose '433 in view of Kay.

Claims 1-8, 10-13, 17-18, 20- 25, 27-33, 35-39, 41-48, and 50-58 were rejected, in the alternative to the § 102 rejection discussed above, under 35 U.S.C. § 103(a) in view of Loose '433 in view of Kay. With respect to claims independent claims 1, 4, 7, 17, 24, 32, 38, 44 and 47 and their respective dependent claims, Appellant reasserts the argument above that Loose '433 does not disclose "the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing." The Final Office Action, states that Kay "discloses the superposition of animation on the reels of fruit machines (Figs. 4a-4b and [0090]) wherein images can be spliced together to show portions of a film or video clip [0014, 0057] in order to "give the viewer the impression of an animation sequence" [0002]."⁴ Appellant notes that Kay uses lenticular images to give an impression of animation.⁵ Lenticular images are not "full motion video" as recited in the independent claims. Lenticular images are described in Kay as follows:

Lenticular image display devices comprise a film (which may be translucent) having *printed* thereon an image which is created by splicing together a number of different images representative of an animation sequence, and a translucent lenticular screen having a plurality of individual lenses arranged in parallel over the width or height of the screen. The composite device is commonly rotated through a predetermined angle so that the portions of the image on the film beneath which correspond to each of the different images spliced together in

⁴ Final Office Action at page 5

⁵ See e.g., Kay at Abstract,

making the film are viewable separately by virtue of the lenticular screen which selectively directs and expands each of these image portions. Depending on the process used to create the spliced image on the film, there may be typically between 2 and 10 images spliced together so that between 2 and 10 images are subsequently viewable depending on the particular orientation of the composite device. Hence where only two images are viewable through the lenticular screen only relatively limited animation is obtainable, the first and second images usually being of a character or other item in a first and second position, for example an eye in an open and closed condition.⁶

The 2-10 images displayed by Kay using lenticular screens are clearly not full motion video. Further, the images in Kay are not created using pixels, but rather are printed images. Thus the supplemental image in Kay is not pixel data as recited in the claims. In view of the above, Kay does not disclose “the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing” as recited in the independent claims. As a result, the combination of Loose ‘433 and Kay fails to disclose each element of claims 1, 4, 7, 17, 24, 32, 38, 44 and 47. Therefore claims 1, 4, 7, 17, 24, 32, 38, 44 and 47 are not obvious in view of the combination of Loose ‘433 and Kay. Appellant respectfully requests reversal of the rejection of claims 1, 4, 7, 17, 24, 32, 38, 44 and 47. Additionally, claims 2-3, 5-6, 8, 10-13, 18, 20-23, 25, 27-31, 33, 35-37, 39, 41-43, 45-46, 48 and 50-58 are allowable by virtue of their dependence on an allowable base claim. Appellant respectfully requests reversal of the rejection of claims 2-3, 5-6, 8, 10-13, 18, 20-23, 25, 27-31, 33, 35-37, 39, 41-43, 45-46, 48 and 50-58.

2) The Rejection of Claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Loose ‘433 in view of Poole.

Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Loose ‘433 in view of Poole. Claims 14-16 each depend from claim 7, and therefore inherit the elements of claim 7, including elements directed to overlaying game element images with a set

⁶ Kay at paragraph [0003]

of video images comprising pre-recorded video information including full motion video of a person, place or thing. As discussed above with respect to claim 7, Loose '433 does not teach or suggest the use of pre-recorded video information including full motion video of a person, place or thing as an overlay image. Additionally, Appellant has reviewed Poole and can find no teaching or suggestion of using pre-recorded video information including full motion video of a person, place or thing as an overlay for a graphical element of a wagering game. As a result, neither Loose '433 nor Poole, alone or in combination, teach or suggest each and every element of claims 14-16, including elements inherited from their base claim 7. Therefore there are differences between claims 14-16 and the combination of Loose '433 and Poole. As a result, claims 14-16 are not obvious in view of the combination. Appellant respectfully requests reversal of the rejection of claims 14-16.

G) Double Patenting Rejection of Claims 1-8, 10-18, 20- 25, 27-33, 35-39, 41-48 and 50-58

Claims 1-8, 10-18, 20- 25, 27-33, 35-39, 41-48 and 50-58 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of Loose '433 and claims 1-93 of Loose '475. As discussed above, Loose '433 fails to disclose "the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing" as recited in the independent claims. Appellant has reviewed Loose '475 and can find no disclosure of the recited language. Thus Appellant respectfully submits that nonstatutory obviousness-type double patenting does not exist. Appellant respectfully requests reversal of this basis for the rejection of claims 1-8, 10-18, 20-25, 27-33, 35-39, 41-48 and 50-58.

SUMMARY

For the reasons argued above, claim 1 was not properly rejected as being unpatentable over Loose '433, Kay and Loose '475.

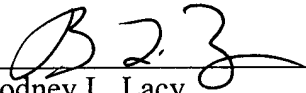
It is respectfully submitted that the art cited does not render the claims anticipated or obvious, and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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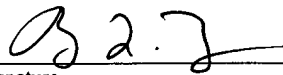
Date July 22, 2010

By


Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of July, 2010.

Rodney L. Lacy
Name


Signature

8. CLAIMS APPENDIX

1. A method comprising:

displaying a supplemental graphical element over at least one symbol element in one or more displayed reels of a casino gaming machine, the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing, the displaying including overlaying in a memory storing video data pixel values of the at least one symbol element with pixel values of the supplemental graphical element, wherein each of the at least one symbol element that is overlaid remains at least partially visible while the supplemental graphical element is displayed.

2. The method of claim 1, further comprising:

displaying the at least one symbol element;
determining, based on the at least one symbol element, whether a triggering event has occurred; and
if a triggering event has occurred, identifying the supplemental graphical element as a set of video images.

3. The method of claim 1, wherein displaying the supplemental graphical element includes dynamically altering a size of the supplemental graphical element.

4. A method comprising:

displaying on a video display at least a portion of a reel symbol element during a play iteration of a casino game; and

in conjunction with the display of the reel symbol element, and before the play iteration is completed, displaying a supplemental graphical element so that it appears as an overlay over the reel symbol element, the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing, the displaying including overlaying, in a memory storing video data, pixel values of the reel symbol element with pixel values of the supplemental graphical element, wherein the reel symbol element appears to be at least partially visible during at least a portion of a time period that the supplemental graphical element is displayed.

5. The method of claim 4, further comprising:

determining, based on the at least one symbol elements, whether a triggering event has occurred; and

if a triggering event has occurred, identifying the supplemental graphical element as a set of video images.

6. The method of claim 4, wherein displaying the supplemental graphical element includes dynamically altering a size of the supplemental graphical element.

-
7. An apparatus comprising:
- one or more processors, which
- cause multiple game element images to be displayed within multiple game element areas of a video display device,
- determine based on the multiple game element images, whether a triggering event has occurred,
- if a triggering event has occurred, identify a set of video images, and
- cause the set of video images to be displayed on the video display device in conjunction with the multiple game element images, so that the set of video images appears as an overlay over one or more of the multiple game element images; wherein each of the one or more of the multiple game element images that are overlaid appear to be at least partially visible during at least a portion of a time period that the set of video images is displayed, and further wherein the set of video images comprises pre-recorded video information including full motion video of a person, place or thing.
8. The apparatus of claim 7, wherein the one or more processors causes a display size of the set of video images to be dynamically altered during the display of the set of video images.
10. The apparatus of claim 7, wherein the one or more processors causes the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of the one or more of the multiple game element images that are overlaid.
11. The apparatus of claim 7, wherein the one or more processors causes the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple game element images that are overlaid.

-
12. The apparatus of claim 7, wherein the one or more processors further:
determines whether a video image is associated with an alteration of a game element image within a game element area; and
if the video image is associated with the alteration, causes an altered image to be displayed in the game element area.
13. The apparatus of claim 7, wherein the apparatus forms a portion of a wagering game machine.
14. The apparatus of claim 7, wherein the apparatus forms a portion of a portable, battery powered video game system.
15. The apparatus of claim 7, wherein the apparatus forms a portion of a personal computer.
16. The apparatus of claim 7, wherein the apparatus forms a portion of a video game system that interacts with a television set, and causing the set of video images to be displayed comprises causing the set of video images to be displayed on the television set.

-
17. An electronic slot machine comprising:
- at least one memory to store video data for multiple symbol images and video images;
- one or more processors, which
- cause the multiple symbol images to be displayed, by one or more video display devices, within multiple symbol areas associated with multiple reels,
- determine based on the multiple symbol images, whether a triggering event has occurred,
- if a triggering event has occurred, identify a set of video images comprising pre-recorded video information including full motion video of a person, place or thing, and cause the set of video images to be displayed in conjunction with the multiple symbol images by overlaying pixel values of one or more of the multiple symbol images with pixel values of the set of video images, so that the set of video images appears as an overlay over each of the one or more of the one or more multiple symbol images that are overlaid, wherein a portion of a video image within the set is displayed within a first set of pixels within a symbol area, such that a symbol image associated with the symbol area of each of the one or more symbol images that are overlaid is at least partially visible; and
- one or more display devices, operatively coupled to the one or more processors, which display the multiple symbol images and the set of video images.
18. The electronic slot machine of claim 17, wherein the one or more processors causes a display size of the set of video images to be dynamically altered during the display of the set of video images.
20. The electronic slot machine of claim 17, wherein the one or more processors cause the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of the one or more of the multiple symbol images that are overlaid.

21. The electronic slot machine of claim 17, wherein the one or more processors cause the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple symbol images that are overlaid.

22. The electronic slot machine of claim 17, wherein the one or more processors further:
determine whether a video image is associated with an alteration of a symbol image within a symbol area; and
if the video image is associated with the alteration, cause an altered image to be displayed in the symbol area.

23. The electronic slot machine of claim 17, further comprising:
a money/credit input/output (I/O) device for enabling a player to obtain credits; and
player input devices that enable the player to specify a bet and to initiate a spin of the multiple reels.

24. A method for displaying images in an electronic game, the method comprising:
causing multiple game element images to be displayed within multiple game element areas of a video display;
determining based on the multiple game element images, whether a triggering event has occurred;
if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing; and
causing the set of video images to be displayed in conjunction with the multiple game element images by overlaying pixel values of one or more of the multiple game element images with pixel values of the set of video images, so that the set of video images appears as an overlay over each of the one or more of the multiple game element images that are overlaid, such that each of the one or more of the game element images that are overlaid is at least partially visible .

25. The method of claim 24, wherein causing the set of video images to be displayed comprises causing a display size of the set of video images to be dynamically altered during the display of the set of video images.

27. The method of claim 24, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of the one or more of the multiple game element images that are overlaid.

28. The method of claim 24, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple game element images that are overlaid.

29. The method of claim 24, further comprising:

determining whether a video image is associated with an alteration of a game element image within a game element area; and

if the video image is associated with the alteration, causing an altered image to be displayed in the game element area.

30. The method of claim 24, wherein the electronic game is a game designed for execution on a wagering game machine, and causing the set of video images to be displayed comprises causing the set of video images to be displayed on a video display device coupled to the wagering game machine.

31. The method of claim 30, wherein the electronic game is an electronic slot machine game, and the multiple game elements include multiple symbol areas, and the multiple game element images includes multiple symbols displayed within the multiple symbol areas.

32. A method for displaying images in an electronic slot machine game, the method comprising:

causing multiple symbol images to be displayed on a video display within multiple symbol areas associated with multiple reels;

determining based on the multiple symbol images, whether a triggering event has occurred;

if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing; and

causing the set of video images to be displayed in conjunction with the multiple symbol images by overlaying pixel values of the multiple symbol images with pixel values of the set of video images, so that the set of video images appears as an overlay over each of one or more of the multiple symbol images that are overlaid, wherein the set of video images are displayed such that a symbol image associated with the symbol area of each of the one or more of the multiple symbol images that are overlaid is at least partially visible.

33. The method of claim 32, wherein causing the set of video images to be displayed comprises causing a display size of the set of video images to be dynamically altered during the display of the set of video images.

35. The method of claim 32, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of the one or more of the multiple symbol images that are overlaid.

36. The method of claim 32, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple symbol images that are overlaid.

37. The method of claim 32, further comprising:

determining whether a video image is associated with an alteration of a symbol image within a symbol area; and

if the video image is associated with the alteration, causing an altered image to be displayed in the symbol area.

38. A computer-readable medium having program instructions stored thereon to perform a method, which when executed within an apparatus, result in:

causing multiple game element images to be displayed within multiple game element areas on a video display;

determining based on the multiple game element images, whether a triggering event has occurred;

if a triggering event has occurred, identifying a set of video images comprising pre-recorded video information including full motion video of a person, place or thing; and

causing the set of video images to be displayed in conjunction with the multiple game element images by overlaying pixel values of the multiple game element images with pixel values of the set of video images, so that the set of video images appears as an overlay over each of one or more of the multiple game element images that are overlaid, such that each of the one or more of the game element images that are overlaid is at least partially visible.

39. The computer-readable medium of claim 38, wherein causing the set of video images to be displayed comprises causing a display size of the set of video images to be dynamically altered during the display of the set of video images.

41. The computer-readable medium of claim 38, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of one or more of the multiple game element images that are overlaid.

42. The computer-readable medium of claim 38, wherein causing the set of video images to be displayed comprises:

causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple game element images that are overlaid.

43. The computer-readable medium of claim 38, executing the program instructions further result in:

determining whether a video image is associated with an alteration of a game element image within a game element area; and

if the video image is associated with the alteration, causing an altered image to be displayed in the game element area.

44. A casino game comprising:

at least one memory for storing a supplemental graphic element and data for symbol elements, the supplemental graphical element comprising pre-recorded video information including full motion video of a person, place or thing;

a video display; and

a computer-readable medium having program instructions stored thereon to perform a method, which when executed within the casino game, result in:

the display displaying the supplemental graphical element over at least one symbol element of the symbol elements in one or more displayed reels of the casino game, wherein the method includes overlaying pixel values of the at least one symbol element with pixel values of the supplemental graphical element and further wherein each of the at least one symbol element that is overlaid remains at least partially visible while the supplemental graphical element is displayed.

45. The casino game of claim 44, wherein executing the program instructions further results in:

the display displaying the at least one symbol element;
determining, based on the at least one symbol element, whether a triggering event has occurred; and

if a triggering event has occurred, identifying the supplemental graphical element as a set of video images.

46. The casino game of claim 44, wherein displaying the supplemental graphical element includes dynamically altering a size of the supplemental graphical element.

47. An apparatus comprising:

processing means for

causing multiple game element images to be displayed within multiple game element areas of a video display device,

determining based on the multiple game element images, whether a triggering event has occurred,

if a triggering event has occurred, identifying a set of video images, the set of video images comprising pre-recorded video information including full motion video of a person, place or thing, and

causing the set of video images to be displayed on the video display device in conjunction with the multiple game element images, so that the set of video images appears as an overlay over one or more of the multiple game element images, such that each of the one or more of the game element images that are overlaid is at least partially visible.

48. The apparatus of claim 47, wherein the processing means causes a display size of the set of video images to be dynamically altered during the display of the set of video images.

50. The apparatus of claim 47, wherein the processing means causes the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as an opaque overlay over each of one or more of the multiple game element images that are overlaid.

51. The apparatus of claim 47, wherein the processing means causes the set of video images to be displayed by causing the set of video images to be displayed in a manner that the set of video images appears as semi-transparent overlay over each of the one or more of the multiple game element images that are overlaid.

52. The apparatus of claim 47, wherein the processing means further:
determines whether a video image is associated with an alteration of a game element image within a game element area; and
if the video image is associated with the alteration, causes an altered image to be displayed in the game element area.

53. The method of claim 1, wherein displaying the supplemental graphical element includes displaying the supplemental graphical element within a boundary determined by a component of the supplemental graphical element.

54. The method of claim 4, wherein displaying the supplemental graphical element includes displaying the supplemental graphical element within a boundary determined by a component of the supplemental graphical element.

55. The apparatus of claim 7, wherein the set of video images are displayed within a boundary determined by a component within an image of the set of video images.

56. The method of claim 24, wherein causing the set of video images to be displayed includes displaying the set of video images within a boundary determined by a component within an image of the set of video images and wherein the boundary changes from a first image of the set of video images to a second image of the set of video images, the boundary changing in accordance with changes in the component.

57. The computer-readable medium of claim 38, wherein causing the set of video images to be displayed includes displaying the set of video images within a boundary determined by a component within an image of the set of video images.

58. The apparatus of claim 47, wherein the processing means causes the set of video images to be displayed within a boundary determined by a component within an image of the set of video images.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.